

Attorney Docket No. 9852-16

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Karakasoglu et al.

Patent No. 6,213,955

Serial No.: 09/169,776

Issued: April 10, 2001

Filed: October 8, 1998

For: *Apparatus and method for breath monitoring*

Date: July 26, 2012

Mail Stop Issue Fee

Commissioner for Patents

Post Office Box 1450

Alexandria, Virginia 22313-1450

**NOTIFICATION OF CHANGE IN SMALL ENTITY STATUS AND  
PAYMENT OF DEFICIENCY OWED UNDER 37 C.F.R. § 1.28(c)**

Sir:

The claim for small entity status in connection with the above-referenced application is hereby withdrawn. The establishment of small entity status and payment of fees in accordance therewith in this application was done in good faith and without any deceptive intent, but the Applicants have recently determined that they cannot be certain they were entitled to small entity status at the times of previous payment of fees in this application. Thus, out of an abundance of caution, Applicants hereby withdraw the assertion of small entity status. It is hereby requested that any error in small entity status be excused under the provisions of 37 C.F.R. § 1.28(c).

Pursuant to 37 C.F.R. §1.28(c)(2), the following information is set forth herein: 1) each fee that was paid as a small entity after a (possible) loss of small entity status, including the type of fee paid, the date that the fee was paid and the amount actually paid; 2) the deficiency owed for each fee that was paid based upon the current fee amount; and 3) the total deficiency payment owed.

01/31/2013 MBANGURA 00000012 500220 6213955

01 FC:1599 695.00 DA

01/31/2013 MBANGURA 00000013 500220 6213955

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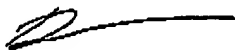
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Type of Fee	Amount of Small Entity Fee Actually Paid	Date Small Entity Fee Paid	Current Fee Amount For Large Entity	Deficiency Owed
Application Filing Fee	\$395.00	8-Oct-1998	\$1,250.00	\$855.00
Terminal Disclaimer	\$55.00	12-Nov-1999	\$160.00	\$105.00
Four (4) Add'l Independent Claims	\$156.00	31-May-2000	\$1,000.00	\$844.00
Issue Fee	\$605.00	15-Sep-2000	\$1,740.00	\$1,135.00
First Maintenance Fee (Year 4)	\$455.00 + \$0.00 surcharge	24-Sep-2004	\$1,130.00 + \$0.00 surcharge	\$675.00
Second Maintenance Fee (Year 8)	\$1,240.00 + \$0.00 surcharge	9-Oct-2008	\$2,850.00 + \$0.00	\$1,610.00
Total Deficiency Owed				\$5,224.00

The Director is hereby authorized to charge the deficiency of \$5,224.00, in accordance with 37 C.F.R. § 1.28(c)(2), from deposit account number 50-0220.

The Director is also authorized to charge any additional deficiency, or credit any overpayment, to our deposit account number 50-0220.

Respectfully submitted,



David D. Beatty  
 Registration No. 38,071

USPTO Customer No. 20792  
 Myers Bigel Sibley & Sajovec, P.A.  
 P. O. Box 37428, Raleigh, NC 27627  
 Telephone: (919) 854-1400  
 Facsimile: (919) 854-1401

#### CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on the date below.

Signature:  Date: July 26, 2012  
 Typed Name of Person Signing Certificate: Katie Wu

**Myers, Bigel, Sibley & Sajovec P. A.**

4140 Parklake Avenue, Suite 600

Raleigh, NC 27612

Fax: (919) 854-1401 Phone: (919) 854-1400

**Facsimile Transmission Cover Sheet**To: Maintenance Fees BranchCompany: USPTOFax #: 571-273-6500File Number: 9852-16 (US Patent No. 6,213,955)From: David D. Beatty, Esq.Return Fax To: AVDate: January 23, 2013Number of Pages including cover sheet: 3

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**Resubmittal of Notification of Change in Small  
Entity Status and Payment of Deficiency (previously  
submitted July 26, 2012)**